

SECTION 2 - PROJECT ENVIRONMENTAL REQUIREMENTS

NEED FOR ENVIRONMENTAL REQUIREMENTS AND RESPONSIBILITIES

The Council on Environmental Quality (CEQ) regulations implementing the provisions of the National Environmental Policy Act (NEPA) of 1969 were published in the Federal Register on November 29, 1978. This action requires the uniform application of environmental standards to all projects that use federal funds. The State Block Grant Program (SBGP) is administered by the MoDOT Aviation Section and funded by the Federal Aviation Administration with federal airport improvement program funds; therefore, all SBGP funded projects must meet all federal environmental clearance standards as stated below.

The MoDOT Aviation Section will assist the sponsors and their consultants with meeting the project environmental requirements and will issue environmental clearances to the airport sponsor. The SBGP project sponsor is responsible for ensuring that no land acquisition or development is undertaken until all environmental clearances are received and that any special conditions noted in the environmental clearances are complied with.

TYPES OF PROJECTS

Planning Projects

Planning projects do not require an environmental clearance to proceed. Planning projects usually include environmental planning and review.

Land Acquisition

As a general rule, land acquisition projects will require the same environmental processing and clearances as an airport development project and all land acquisition must be included in the overall airport environmental documentation process. Only in rare instances when the project environmental documents are incomplete and clearances have not been approved can a Categorical Exclusion be granted for either a hardship purchase or a protective purchase. Hardship purchases are limited to those properties that are identified in the planning documents as properties that are going to be acquired for future airport development; and, the fact that they are to be acquired places an undo hardship on the property owner. Protective purchase may be authorized if the airport must acquire individual properties that have short term development planned by current owners that is incompatible with airport development plans or would increase the cost of future acquisition. In either case no development can be undertaken on properties acquired as hardship or protective purchases until all airport development environmental clearances have been approved.

Development Projects (Construction)

All airport development projects that use SBGP funds, even though the entire project may be completed within the limits of the current airport property lines, will require environmental clearance from the MoDOT Aviation Section before development is allowed to begin. Sponsors and their consultants will be informed of the project environmental requirements and will be notified when the required environmental clearances have been approved. It is incumbent upon the airport sponsor to ensure that no development is started until these clearances are received.

Any failure of the sponsor or their contractors to comply with all of the project environmental requirements may result in the loss of SBGP funding for their projects. The MoDOT Aviation Section does not assume any responsibility for a sponsor's violation of any environmental laws or regulations.

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TYPES OF ENVIRONMENTAL REVIEW

The MoDOT Aviation Section, as the agency responsible for administering the SBGP in Missouri, follows the guidance provided in the latest version of FAA Order 5050.4 to determine project environmental requirements for each proposed airport development project. The order provides detailed guidelines for determining a project's environmental requirements and for proper and complete environmental documents preparation. A copy of the latest version of FAA Order 5050.4 is available by contacting the MoDOT Aviation Section.

Categorical Exclusion

A Categorical Exclusion (CE) is the type of environmental clearance required for those stand-alone airport development projects that do not require an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Projects that involve the repair or improvement of existing airport features such as runway, taxiway, and apron rehabilitation, constructing a heliport on an existing airport, pavement strengthening, reconstruction, runway extensions, and other airport development projects that will not significantly change the operation or function of the airport will usually qualify for a CE. Runway and taxiway lighting, pavement marking, installation of beacons, and visual approach aids, if they are not a part of a larger airport development plan that requires an Environmental Assessment or Environmental Impact Statement, would also qualify for a CE.

Grading or removal of obstructions on existing airport property that does not have off-airport environmental impacts can be classified as a CE. Land acquisition associated with projects such as those stated above will also fall within the limits of a CE.

CE's are not to be used as a means of circumventing the need for either an EA or EIS. Proper planning should provide the sponsor, their consultant, and the MoDOT Aviation Section with sufficient information in the early planning stages to determine the environmental requirements for all of the proposed airport development. A Categorical Exclusion Checklist may be downloaded from the MoDOT web site. A completed CE checklist should be provided with the project application, the checklist will be reviewed to determine if the proposed project can be classed as a CE or if further environmental work will be required before the proposed development can be approved. Those types of projects stated above that are included in airport development that requires an EA or EIS will usually fall under the larger development proposal and will not be classified as a CE.

Environmental Assessment

All proposed airport development projects that do not qualify for a Categorical Exclusion will require, as a minimum, an Environmental Assessment (EA). The ultimate purpose of an EA is to either support a Finding Of No Significant Impact (FONSI) or to show the need for an Environmental Impact Statement (EIS). Any airport development that significantly changes the airport operations or the airport aircraft approach category will require an EA. These types of projects usually require significant land acquisition, increase the noise contour coverage due to the increase in operations of larger aircraft, can impact certain environments that will require mitigation, and may generate a great deal of public concern with the proposed development. All proposed development must be covered by the EA, even those specific items whose costs are not to be reimbursed with federal funds.

The EA must satisfactorily address all of the areas of potential impact as noted in the current version of FAA Order 5050.4. Of particular concern is early public involvement in the planning and environmental process for any proposed airport development that will require an EA. Preparation of an EA requires that the sponsor advertise for the opportunity for a public hearing

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after a Draft EA is approved by the MoDOT Aviation Section. The Draft EA must be made available for public review a minimum of thirty (30) days in advance of a public hearing in places that are readily accessible to the public during reasonable hours.

The Draft EA becomes an official environmental document when it is approved for public review by the MoDOT Administrator of Aviation. The scope, format, and depth of review of the individual effected environments are of particular importance in the preparation of an EA. The sponsor should have a clear idea of the ultimate development that is expected to occur on their airport and should select a consultant with sufficient expertise and experience to be able to successfully prepare all planning documents to support the EA and to prepare the EA in a manner that meets all of the guidelines in the current version of FAA Order 5050.4. The MoDOT Aviation Section will review the experience and expertise of the sponsor's selected consultant and may at the discretion of the MoDOT Administrator of Aviation reject the sponsor's selection.

The EA is the sponsor's document and a very important part of the sponsor's planning documentation. It is their official statement that they have met all of the requirements of the environmental laws that pertain to the use of federal funds in the development of their airport. Until all environmental requirements are cleared none of the proposed development can take place. The MoDOT Aviation Section will assist the sponsor at every stage of the consultant selection, planning, and environmental document preparation process. The MoDOT Aviation Section, in conjunction with MoDOT Preliminary Studies Division environmental personnel, is responsible for reviewing the draft documents and for providing comments to the sponsor and their consultant as to the adequacy of the document. The MoDOT Aviation Section must approve the Draft EA and the advertisement and timing for a formal public hearing and to ensure that the public hearing is conducted in a satisfactory manner. It is the responsibility of the MoDOT Administrator of Aviation to approve the Draft EA for public review and to either approve a FONSI or determine the need for an Environmental Impact Statement after all MoDOT review comments and EA requirements have been met. It is the sponsor's responsibility to ensure that all statements made by their consultant in the environmental documents are correct and do not conflict with local laws or official local regulations.

As stated above, careful consultant selection and early public involvement in the planning and environmental process can greatly enhance the successful outcome of these efforts. Public information meetings with businesses, citizens, and other governmental units that are likely to be impacted by the proposed development should be conducted throughout the planning period. Public planning and information meetings do not satisfy the need for the public's opportunity to request an official public hearing after the Draft EA is approved.

Environmental Impact Statements

Development on general aviation airports usually will not require the preparation of an Environmental Impact Statement (EIS). In most instances the need for an EIS will result from the findings during the preparation of an Environmental Assessment (EA); therefore, an EA would normally be prepared prior to the development of an EIS. Prior to proceeding with an EIS the sponsor should review all previous planning and environmental work to determine if modifications to the proposed development plans can be made that will eliminate the need for an EIS.

The FAA is responsible for meeting all federal agency notifications, federal circulation requirements, and final federal approval of an EIS. If the need for an EIS is demonstrated, the MoDOT Aviation Section will determine the scope of the EIS, direct and approve the sponsor's consultant selection, and will coordinate all contacts with the FAA that are required for final federal approval of the EIS. Only those consultant's who meet the FAA's and MoDOT's qualification criteria for preparation of an EIS will be considered.